REMARKS

Claims 1-15 are pending in the above-referenced patent application of which claims 1, 6 and 11 are independent claims. Claims 1, 2, 4, 6-9 and 11-14 are amended herein. Thus, claims 1-15 remain for consideration.

Claims 1-15 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,308,25 to Folmsbee (hereinafter referred to as "Folmsbee") in view of U.S. Patent No. 5,276,738 to Hirsch (hereinafter referred to as "Hirsch").

Folmsbee discloses a configurable processor (CPU) for processing computer programs which are selectively operable thereon. Each CPU chip produced, according to the Folmsbee system, has an instruction set that can be different from the instruction set of any other processor. In the Folmsbee system, data is not descrambled by a standard microprocessor, rather a microprocessor is configured to execute particularly scrambled code. (See, Folmsbee col. 7, ll. 16-21). Accordingly, once the processor is configured in a particular way, in order to use the particular configuration, it is necessary to compile program instructions which are modified in order to be executable by the particularly modified processor. (See Folmsbee, col. 6, ll. 15-20).

Hirsch discloses a mechanism for controlling the use of software packages, including means for taking an input binary value and generating a unique key value as well as performing a reverse operation. The mechanism includes a scrambler which includes storage for an input binary number and an associated memory array having a number of multibit container locations. Each of the container locations stores a different one of a unique sequence of random number values. The scrambler forms another binary value by rearranging the bits of the input binary value as a function of the random number values in addition to altering the states of such bits as a function of the random number values and the numeric bit position values of sources of the input binary bits. The resulting binary value is applied to an

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alphanumeric encoder which converts the binary value into a series of alphanumeric characters containing a valid key value. In one embodiment of the Hirsch protection mechanism, a serial number is used as part of the input binary value. (See Hirsch, Abstract; col. 2, ll. 28-30).

The Examiner has rejected independent claims 1, 6, and 11 based on the assertion that "Folmsbee discloses the claimed invention except for the serial number being a CPU serial number." And that, "Hirsch teaches that it is known in the art to provide a CPU serial number for verification techniques." (See Office Action, p. 3, ll. 16-18).

Applicants respectfully submit that independent claims 1, 6, and 11 do not recite a CPU serial number. However, to further distinguish the claimed invention over the cited combination of Folmsbee and Hirsch, Applicants have amended independent claims 1, 6, and 11 herein. Thus, Applicants submit that amended claims 1, 6, and 11 are not obvious over Folmsbee in view of Hirsch as set forth following with respect to claim 1.

Claim 1 as amended herein recites a method of authenticating a software application for use on a computer system including a step of providing a software application for use on a computer system having an identifier. The software application including an associated engraved signature wherein the engraved signature is initially blank such that the software application can be authenticated for use on one of a plurality of computer systems.

Folmsbee does not teach or suggest providing a software application including an associated engraved signature wherein the engraved signature is initially blank such that the software application can be authenticated for use on one of a plurality of computer systems. In fact, the system of Folmsbee requires that "the processor is configured in a particular way" and "in order to use the particular configuration, it is necessary to compile program instructions which are modified in order to be executable by the particularly modified processor." (See Folmsbee, col.

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6, ll. 15-20). Accordingly, Folmsbee does not teach or suggest a method of authenticating a software application for use on a computer system wherein the computer can be one of a plurality of computers as recited in amended claim 1. Clearly, the invention of amended claim 1 is much different than the Folmsbee system and for a different purpose. The claimed invention includes providing a software application that can be authenticated for use on one of a *plurality* of computer systems. In contrast, the Folmsbee system requires that <u>both</u> the processor and the software application be configured specifically for use with one another. Nothing in Folmsbee teaches or suggests providing a software application including an engraved signature that is initially blank so that the software application can be authenticated for use on one of a plurality of computer systems as recited in amended claim 1.

Further, amended claim 1 recites the steps of reading the engraved signature, and, if the engraved signature is blank, then performing the following: retrieving the identifier from the computer system; encrypting the identifier using the encryption method to obtain a computed signature; storing the computed signature as the engraved signature. Accordingly, the method of amended claim 1 includes steps for authenticating a software application for use on one of a plurality of computer systems by retrieving an identifier from the computer system, encrypting the identifier, and storing the encrypted identifier, thereby authenticating the software application for a certain computer system. Thus, in the method of claim 1, neither the software application nor the computer system is configured specifically for use with one another. Folsmbee does not disclose this method. In fact, with the Folsmbee system, "it is necessary to compile program instructions which are modified in order to be executable by the particularly modified processor." (See Folmsbee, col. 6, ll. 15-20).

Hirsch, on the other hand, is directed to a method of generating a unique key value. Thus, nothing in either the Folmsbee nor Hirsch references, either alone or in

combination, teach or suggest a method of authenticating a software application including providing a software application for use on a computer system having an identifier, the software application including an associated engraved signature, the engraved signature being initially blank such that the software application can be authenticated for use on one of a plurality of computer systems.

Further, nothing in the combination of Folmsbee and Hirsch teach or suggest a method of authenticating a software application including the steps of reading an engraved signature associated with the software application, and if the engraved signature is blank, then performing the following: retrieving an identifier from the computer system; encrypting the identifier using an encryption method to obtain a computed signature; and storing the computed signature as the engraved signature.

To establish a prima facie case of obviousness for a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Because the combination of Folmsbee and Hirsch does not teach a method of authenticating a software application including providing a software application for use on a computer system having an identifier, the software application including an associated engraved signature wherein the engraved signature is initially blank such that the software application can be authenticated for use on one of a plurality of computer systems, the combination does not teach or suggest each and every limitation of amended claim 1. Therefore, it cannot be maintained that Applicant's amended claim 1 is obvious under 35 U.S.C. § 103(a) over Folmsbee in view of Hirsch.

Similarly, claims 6 and 11 have also been amended herein to recite the limitations identified above with respect to amended claim 1. Accordingly, for at least the reasons set forth above with respect to claim 1, independent claims 6 and 11 are also not obvious under 35 U.S.C. § 103(a) over Folmsbee in view of Hirsch.

Claims 2-4, 7-10, and 12-15 depend from either directly or indirectly from one of claims 1, 6 or 11 and thereby include all of the limitations of claims 1, 6 or 11 as well as additional limitations. Thus, for at least the reasons set forth above with respect to claims 1, 6 and 11, dependent claims 2-4, 7-10, and 12-15 are likewise deemed nonobvious over Folmsbee in view of Hirsch.
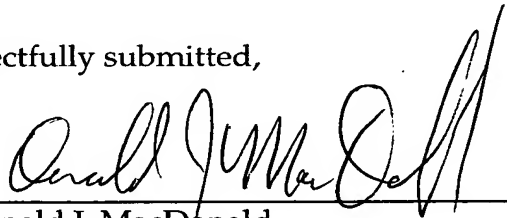
Accordingly, for at least the above-identified reasons, the rejection of claims 1-15 under 35 U.S.C. § 103(a) should be withdrawn and this action is respectfully requested.

In view of the foregoing, it is believed that claims 1-15 as amended herein are in condition for allowance and such action is earnestly solicited.

Applicant believes that no fee is due in connection with this filing. Please charge any deficiency in fee due or any other fee required for this application to Deposit Account No. 13-0235.

Respectfully submitted,

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